IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 627 of 2006

Smt. Mumtaj W/o Aftab Ahamad
S/o Late Sri Mohhammad Hanif
R/o Sahid Bhagat Singh Colony
Thana Raypur, District Dehradun .....Applicant

Vs.

1. The Judge Family Court, Dehradun
2. Sri Aftab Ahamad
   R/o Village Lahak Kala
   Thana Mandavaly
   District Bijnor .....Opposite parties

Sri Vinod Sharma, learned counsel for the applicant
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr. P.C. has been filed by the applicant – Smt. Mumtaj who is the wife of the opposite party No. 2 for expediting the proceedings of Misc. Case No. 138 of 2004 Mumtaj Vs. Aftab and Case No. 233 of 2005 Aftab Vs Mumtaj pending before the Judge Family Court, Dehradun.

2. Brief facts of the case are that both the cases are pending since 2004 and 2005 respectively. It has been submitted by the learned counsel for the petitioner that the cases are being adjourned on one ground or the other.

3. Heard Sri Vinod Sharma, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

4. Having considered the arguments advanced by the learned counsel for the petitioner, I am of the view that in case, if the delay is caused in the matters pertaining to the matrimonial disputes then the purpose of creation of family court would certainly frustrate. Judge Family Court in the

matrimonial cases should adopt the approach that these cases should be decided without any unreasonable delay.

5. The prayer of the petitioner in the present case appears to be innocuous.

6. I therefore, direct the Principal Judge, Family Court, Dehradun to expedite the aforesaid cases pending before it and decide them preferably within a period of three months from the date of production of certified copy of this order.

7. With the above observation, the writ petition is disposed of finally.

(B.C. Kandpal, J.)

04.08.2006
ASWAl